UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION)) MDL NO. 1456)) CIVIL ACTION NO. 01-CV-12257
) PBS
THIS DOCUMENT RELATES TO:) Hon. Patti B. Saris
ALL ACTIONS))

ASTRAZENECA DEFENDANTS' RENEWED MOTION FOR INJUNCTION

Despite this Court's September 11, 2007 ruling that Mr. Donald Haviland cannot pursue state claims and defendants overlapping with claims and defendants in MDL No. 1456, Mr. Haviland and his client, the International Union of Operating Engineers, Local No. 68 Welfare Fund, continue to do so in *International Union of Operating Engineers, Local No. 68 Welfare Fund (An Unincorporated Trust) v. AstraZeneca PLC, et al.*, Civil Action No. L-3136-06 (N.J. Super. Ct., Monmouth County) (the "New Jersey action"). For the reasons outlined during the September 11 hearing and for the reasons outlined in the attached memorandum in support, defendants AstraZeneca Pharmaceuticals LP, AstraZeneca LP, Zeneca Inc., and AstraZeneca PLC (collectively, "AstraZeneca") respectfully request that this Court enjoin the plaintiff in the New Jersey action and the plaintiff's counsel, The Haviland Law Firm and Mr. Donald E. Haviland, or any other putative class representative from pursuing AstraZeneca LP and AstraZeneca PLC in the New Jersey action. A proposed order is attached.

Dated: Boston, Massachusetts January 17, 2008

Respectfully Submitted,

By: Katherine B. Schmeckpeper

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I certify that counsel for AstraZeneca Pharmaceuticals LP, AstraZeneca LP, Zeneca Inc. and AstraZeneca PLC conferred with Mr. Donald E. Haviland, Esq. of The Haviland Firm, counsel for International Union of Operating Engineers, Local No. 68 Welfare Fund pursuant to L.R. 7.1 prior to filing this motion and were unable to resolve the issues addressed herein.

/s/ Katherine B. Schmeckpeper
Katherine B. Schmeckpeper

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered on January 17, 2008 to counsel for plaintiffs and to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, via LexisNexis File & Serve.

By: <u>/s/ Katherine B. Schmeckpeper</u>
Katherine B. Schmeckpeper